

JUDGE BRICCETTI

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Andy Douzanis,

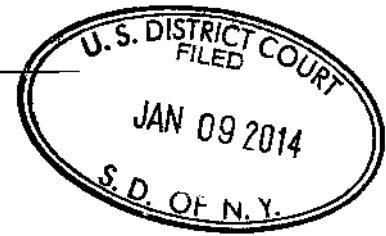
Plaintiff,

v.

Cellco Partnership, d/b/a Verizon Wireless;
and DOES 1-10, inclusive,

Defendants.

Civil Action No.:



**COMPLAINT
JURY TRIAL DEMANDED**

For this Complaint, the Plaintiff, Andy Douzanis, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of the Defendants' repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* (the "TCPA").
2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.
3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendants transact business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

4. The Plaintiff, Andy Douzanis ("Plaintiff"), is an adult individual residing in Nashua, New Hampshire, and is a "person" as defined by 47 U.S.C. § 153(10).
5. The Defendant, Cellco Partnership, d/b/a Verizon Wireless ("Verizon"), is a business entity with an address of 2000 Corporate Drive, Orangeburg, New York 10962, and is a "person" as defined by 47 U.S.C. § 153(10).

FACTS

6. In or around November 2013, Verizon began calling Plaintiff's cellular telephone, number 603-xxx-4528.

7. At all times mentioned herein, Verizon placed calls to Plaintiff's cellular telephone by using an automated telephone dialer system ("ATDS") and/or by using an artificial or prerecorded voice.

8. When Plaintiff answered a call from Verizon he heard a recording instructing Plaintiff to dial "1" to speak with a representative.

9. During a conversation with Verizon in late November 2013, Plaintiff explained that he had paid his bill for the month and requested that Verizon cease calling his cellular telephone.

10. However, Verizon continued to place calls to Plaintiff's cell phone.

11. Plaintiff has a business relationship and had provided his cellular telephone number and consent for Verizon to reach him at his cellular telephone number.

12. However, Verizon no longer had consent to contact Plaintiff at his cellular telephone number after being requested to cease calls.

COUNT I

**VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –
47 U.S.C. § 227, et seq.**

13. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

14. At all times mentioned herein and within the last four years, Defendants called Plaintiff on his cellular telephone using an ATDS and/or by using a prerecorded or artificial voice.

15. Defendants placed calls to Plaintiff's cellular telephone using a prerecorded voice knowing Plaintiff had revoked his consent to call him on his cellular phone. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

16. The telephone number called by Verizon was assigned to a cellular telephone service for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

17. The calls from Verizon to Plaintiff were not placed for "emergency purposes" as defined by 47 U.S.C. § 227(b)(1)(A)(i).

18. As a result of each call made in negligent violation of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages for each call in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

19. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF


WHEREFORE, the Plaintiff respectfully prays that judgment be awarded in the Plaintiff's favor and against the Defendants as follows:

1. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
2. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C);
3. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: January 6, 2014

Respectfully submitted,

By: 

Sergei Lemberg, Esq. (SL 6331)

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